

MINUTES OF THE MEETING OF
THE BOARD OF COSMETOLOGY, ELECTROLOGY, ESTHETICS,
NAIL TECHNOLOGY, AND BODY ART

March 5, 2018

1. ROLL CALL

The meeting of the Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Vice-Chair, Vicki Criswell, at 10:30 a.m., in Lower Level Conference Room B, Nebraska State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Public Meeting Law.

The following members answered roll call:

Bridget Anderson	-	Secretary
Sandra Christie	-	Member
Vicki Criswell	-	Vice-Chair
Lyra Faltys	-	Member
Jacqueline Hornig	-	Member
Marie Nordboe	-	Member
Pamela Rowland	-	Member
Becky Pettigrew	-	Member

Members Absent:

Gloria Harper	-	Member
Melanie Judkins	-	Chair

Others Present:

Ami Huff, Assistant Attorney General
Kris Chiles, Program Manager, Licensure Unit
Nancy Herdman, Health Licensing Coordinator, Licensure Unit
Trevor Klaassen, Investigator
Mark Meyerson, Investigator
Dennis Scott, Investigator
Anna Harrison, Compliance

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Anderson moved, seconded by Faltys, to adopt the agenda. A voice vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Harper, Judkins (2). Motion carried.

3. APPROVAL OF MINUTES (2-5-18)

MOTION: Nordboe moved, seconded by Anderson, to approve the minutes of 2-5-18. A roll call vote was taken. Voting aye: Anderson, Christie, Faltys, Hornig, Nordboe, Pettigrew, Rowland (7). Voting nay: None (0). Abstain: Criswell (1). Absent: Harper, Judkins (2). Motion carried.

10:31 a.m.	-	2 public persons entered meeting
		Anna Harrison, Compliance Monitor, entered meeting

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

MOTION: Faltys moved, seconded by Nordboe, to enter into closed session at 10:31 a.m. for the purpose of hearing discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Criswell repeated the motion purpose. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Harper, Judkins (2). Motion carried.

10:31 a.m. - 2 public persons departed meeting
 10:40 a.m. - Hornig departed meeting (conflict)
 10:46 a.m. - Hornig entered meeting
 10:51 a.m. - Scott, Klaassen and Meyerson departed meeting
 11:30 a.m. - Criswell departed meeting (conflict)
 11:34 a.m. - Criswell entered meeting

MOTION: Faltys moved, seconded by Anderson, to return to open session at 11:50 a.m. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Harper, Judkins (2). Motion carried.

11:50 a.m. - Break
 12:05 p.m. - Meeting resumed
 2 public persons entered meeting

5. APPLICATION REVIEW, RECOMMENDATIONS AND REPORT OUT – OPEN SESSION

Alexandria Curran – Cosmetologist Applicant

MOTION: Nordboe moved, seconded by Pettigrew, to deny the license based on history of convictions, lack of cooperation to provide requested information and failure to report convictions. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Harper, Judkins (2). Motion carried.

Quy Le, Nail Technologist Reinstatement

MOTION: Pettigrew moved, seconded by Christie, to recommend offering a probationary license with a 6 month probation to include the standard terms and conditions and complete the jurisprudence examination and provide documentation of completion of court probation. Motion based on failure to report conviction. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Harper, Judkins (2). Motion carried.

Hung Pham, Nail Technologist Applicant

MOTION: Anderson moved, seconded by Pettigrew, to recommend offering a probationary license with a 5 year probation to include the standard terms and conditions and: complete jurisprudence examination within 90 days, body fluid screens, employer quarterly reports, no solo practice, follow the evaluation recommendations, and abstain from alcohol and drugs. Motion based on conviction history and diagnosis. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Harper, Judkins (2). Motion carried.

Stina Vongphakdy – Esthetician Applicant

MOTION: Pettigrew moved, seconded by Anderson, to recommend offering a probationary license with a 5 year probation to include the standard terms and conditions and: complete jurisprudence examination within 90 days, body fluid screens, employer quarterly reports, no solo practice, follow the evaluation recommendations, and abstain from alcohol and drugs. Motion based on conviction history, diagnosis and failure to report convictions. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Harper, Judkins (2). Motion carried.

Taylor Bors – Esthetician Applicant

MOTION: Nordboe moved, seconded by Rowland, to recommend offering a probationary license with a 6 month probation to include the standard terms and conditions and complete the jurisprudence examination within 90 days. Motion based on failure to report convictions. A roll call vote was taken. Voting aye: Anderson, Christie, Faltys, Hornig, Nordboe, Pettigrew, Rowland (7). Voting nay: None (0). Abstain: Criswell (1). Absent: Harper, Judkins (2). Motion carried.

Jabree Williams – Tattoo Artist Applicant

MOTION: Anderson moved, seconded by Christie, to recommend issuance of the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Harper, Judkins (2). Motion carried.

Leighton Fortner – Tattoo Artist Reinstatement

MOTION: Anderson moved, seconded by Rowland, to recommend reinstatement of the license with a 1 year probation to include the standard terms and conditions and: quarterly employer reports and no solo practice. Motion based on conviction history. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Abstain: None (0). Absent: Harper, Judkins (2). Motion carried.

Honey Anglemeyer – Esthetician Applicant

MOTION: Christie moved, seconded by Anderson, to recommend issuance of the license with no terms or conditions. A roll call vote was taken. Voting aye: Anderson, Christie, Faltys, Hornig, Rowland (5). Voting nay: Criswell, Nordboe, Pettigrew (3). Abstain: None (0). Absent: Harper, Judkins (2). Motion carried.

Chiles reported that she and the inspector had inspected an apprentice salon in Omaha last week and the application will be complete within a couple more documents.

6. NEW BUSINESS

a. Conviction Guidelines Review and Discussion

This agenda item was deferred to the end of the meeting and recommended discussion occur in closed session.

7. CONTINUED BUSINESS

a. 2018 Legislative Bill Updates: Chiles reported that 1042 and 1107 had not moved forward.

Chiles distributed the draft training curricula and asked the members to review and prepare for discussion at the next worksession. The Board agreed to work on the following sections of the regulations at their work session meetings:

Date: Regulation content:

3-19-18 1) curriculum
 2) continuing education

4-16-18 1) sanitation
 2) schools

5-21-18 1) body art
 2) clean up

b. Professional Updates: Body Art, Cosmetology, Electrology, Esthetics, Nail Technology, Indoor Tanning Facilities

<u>Body Art:</u>	No report.
<u>Cosmetology:</u>	No report.
<u>Electrology:</u>	No report.
<u>Esthetics:</u>	Criswell reported that licensees were scrambling for continuing education hours.
<u>Nail Technology:</u>	No report.
<u>Indoor Tanning:</u>	Pettigrew reported they are still waiting on the lawsuit.

Chiles reported that in the last three months, 312 establishments (nail technology and cosmetology) had been inspected. She reported she had a lead for an inspector out west. Pettigrew said she had someone who might also be interested.

Chiles stated the inspector in eastern Nebraska was working long evenings. The goal is to first inspect the facilities that have not been inspected within the past 4 years. Chiles commented that home salons are the most difficult to inspect. If the inspector stops at a salon and there is no one there, the inspector leaves a letter to call the department and advise when the appointments are for the next 2-weeks. While the Department is checking for compliance with the regulations, the inspector's role is also to provide education.

- c. National-Interstate Council of State Board of Cosmetology: Faltys reported the annual NIC meeting is in Seattle on October 6-8, 2018.
- d. Disciplinary/Non-Disciplinary Action Report / Examinations / Renewals / Licensing Stats / Administrative Penalties: Chiles circulated the disciplinary/non-disciplinary report and provided the following examination scores since January 1, 2018:

Nail Technology – 9 pass, 4 fail
Cosmetology – 64 pass, 14 fail
Esthetics – 11 pass, 3 fail
Cosmetology Instructor – 2 pass
Jurisprudence for probation – 3 pass, 3 fail

The public were asked if they had anything they wished to address with the Board. One stated she was disappointed more school representatives did not attend the Board meetings.

6. NEW BUSINESS

- a. Conviction Guidelines Review and Discussion

MOTION: Faltys moved, seconded by Nordboe, to enter into closed session at 12:56 p.m. for the purpose of hearing discussions of a confidential nature. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Harper, Judkins (2). Motion carried.

1:40 p.m.	-	Christie departed meeting
1:43 p.m.	-	Christie entered meeting
1:45 p.m.	-	Anderson departed meeting
1:49 p.m.	-	Anderson entered meeting

MOTION: Faltys moved, seconded by Anderson, to return to open session at 2:06 p.m. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Harper, Judkins (2). Motion carried.

MOTION: Anderson moved, seconded by Rowland, to approve the revised Conviction Review Guidelines. A roll call vote was taken. Voting aye: Anderson, Christie, Criswell, Faltys, Hornig, Nordboe, Pettigrew, Rowland (8). Voting nay: None (0). Absent: Harper, Judkins (2). Motion carried.

Rowland reported she would be testifying regarding a nail technology case.

8. ADJOURNMENT

Criswell declared the meeting adjourned at 2:10 p.m.

Respectfully submitted,

Bridget Anderson, Secretary

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art

Summarized by Nancy Herdman, Health Licensing Coordinator